

N.D.A.G. Letter to Enget (May 6, 1986)

May 6, 1986

Mr. Wade G. Enget
Stanley City Attorney
P. O. Box 38
Stanley, North Dakota 58784

Dear Mr. Enget:

Thank you for your letter of April 28, 1986, inquiring as to the ability of a city to act as a general contractor in the construction of a public building.

Enclosed you will find a copy of a letter we have previously sent to Ellendale City Attorney David Wheelihan concerning a similar question. In the Wheelihan letter, the facts involved a city attempting to act as general contractor in a water main project within the city. Our conclusion in that letter was that North Dakota law does indeed allow the city to act as a general contractor.

Although your factual situation differs from the March 12, 1986, letter, North Dakota law does authorize a city to construct, operate, and maintain all public buildings necessary for the use of that city. N.D.C.C. § 40-05-01(50). Based upon this statutory authorization and the further discussion contained in our March 12, 1986, letter, we are in agreement with your opinion allowing the city to act as general contractor for the construction of a public building.

Sincerely,

Nicholas J. Spaeth

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Enclosure